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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,357	05/16/2005	Kazuyuki Takahashi	SONY JP 3.3-358	5074
530 7590 12/26/2008 LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090				
EXAMINER				
GOEL, DINI/SH K				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/509,357

Applicant(s)

TAKAHASHI ET AL.

Examiner

DINESH GOEL

Art Unit

2419

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. Applicant's arguments with respect to claims 1, 4, 6, 7, and 10 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-8, and 10-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al (U.S. Publication Number 20010015986), and in view of Matsuzaki et al (U.S. Patent Publication Number 2003/0070172).

Referring to claim 1 and 7, Sugimoto et al disclose a data processing apparatus comprising: means for extracting a necessary packet from each of a plurality of transport streams and reconstructing the extracted packets to one transport stream ("103" in Figure 1 & 2, Paragraph 0146); means for separating the necessary packets ("104" in Figure 1, Paragraph 0147); and means for decoding

each packet separated from the reconstructed one transport stream ("105" & "107" in Figure 1, Paragraph 0148 & 0149).

Sugimoto fails to teach the means for descrambling plural packets from the reconstructed one transport stream using a conditional access module and wherein the conditional access module has information needed to descramble the packets from the plurality of transport streams that are in the reconstructed one transport stream.

However, Matsuzaki et al teach the means for descrambling plural packets from the reconstructed one transport stream using a conditional access module and wherein the conditional access module has information needed to descramble the packets from the plurality of transport streams that are in the reconstructed one transport stream (Figure 2, Paragraph 0004; Figure 21, 0083).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to have modified the teachings of Sugimoto et al with the teaching of Matsuzaki et al. The motivation would have been to allow commonly required conditional access processing for scrambling and descrambling the data stream for subscriber access.

Referring to claim 2 and 8, Sugimoto et al teach a data processing apparatus according to claim 1, wherein packet information of SI (Service Information) is extracted from each of said plurality of transport streams (Figure 2, Paragraphs

0158 and 0159), a new SI packet is reconstructed from the information of the packet of the SI obtained from each of said plurality of transport streams (Paragraph 0159, "205" in Figure 2, Figure 4, Figure 3) , and said reconstructed new SI packet is added to said reconstructed one transport stream (Figure 4, Figure 2 Paragraph 0193 & 0194).

Referring to claim 4 and 10, Sugimoto teaches a data processing apparatus comprising: means for extracting information of a packet of SI (Service Information) from each of a plurality of transport streams (Figure 2, Paragraphs 0158 and 0159), means for separating the necessary packets from the multiplexed transport stream ("104" in Figure 1, Paragraph 0147), and means for decoding each packet separated from each of said transport streams ("105" & "107" in Figure 1, Paragraph 0148 & 0149).

Also Matsuzaki et al teach means for descrambling plural packets using the information of the packet of the SI obtained from each of said plurality of transport streams and a conditional access module (Figure 2, Paragraph 0004; Figure 21, 0083).

Matsuzaki et al further teach wherein the conditional access module has information needed to descramble the packets from the plurality of transport streams that are in the reconstructed one transport stream (Figure 2, Paragraph 0004; Figure 21, 0083).

Referring to claim 5 and 11, Sugimoto teaches a data processing apparatus according to claim 4, wherein said means for separating the necessary packets is time-divisionally used with respect to said plurality of transport streams (Paragraph 0015).

Referring to claim 6, all the limitations described for a digital broadcasting receiver are similar to the once described for a data processing apparatus in claim 1. As such this claim is also rejected.

3. Claims 3 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sugimoto et al (U.S. Publication Number 20010015986), in view of Matsuzaki et al (U.S. Patent Publication Number 2003/0070172), and further in view of Onagawa (U.S. Patent Number 6804259).

Referring to claims 3 and 9, Sugimoto et al teach data processing apparatus according to claim 1, wherein packet information of SI (Service Information) is extracted from each of said plurality of transport streams (Figure 2, Paragraphs 0158 and 0159), the information of the packet of the SI obtained from each of said plurality of transport streams is sent to processing means (Figure 4, Figure 2 Paragraph 0193 & 0194).

Sugimoto et al and Matsuzaki et al fail to teach that a process for limited reception is executed.

However, Onagawa teaches the means for limited reception on the multiplexed transport stream ("7" in Figure 3, Column 7 Lines 10-15).

At the time of invention, it would have been obvious to a person of ordinary skill in the art to have modified the teachings of Sugimoto et al as modified, with the teaching of Onagawa to allow commonly required processing of limited reception by the CAT of the conventional MPEG2 system (Column 2 Lines 44-54).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINESH GOEL whose telephone number is (571)270-5201. The examiner can normally be reached on Monday-Friday 8:00 AM-5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel Ryman can be reached on 571-272-3152. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Dinesh Goel/
Examiner, Art Unit 2419

/Daniel J. Ryman/
Supervisory Patent Examiner, Art Unit 2419